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10/721,727	11/25/2003	Gary P. Raden	MS306094.01	5767

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EXAMINER	
JEAN GILLES, JUDE	

ART UNIT	PAPER NUMBER
2143	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/721,727	RADEN ET AL.	
	Examiner	Art Unit	
	Jude J. Jean-Gilles	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to RCE reply filed on 10/30/2007.

Response to RCE

1. Applicants' remarks submitted on 10/30/2007 have been considered and are deemed partially persuasive. New claim rejections are presented below for claims 1-36, and 38-41. Independent claim 37 has been amended and the same rejected presented in the Final Office action is reiterated for that claim. Claims 1-41 are pending and represent "SYSTEMS AND METHODS FOR UNIFYING AND/OR UTILIZING STATE INFORMATION FOR MANAGING NETWORKED SYSTEMS".

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1-36 and 38-41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lau U.S Patent No. 6,101,500 in view of Britton, U.S. Patent No 7,289,862 B2.

Regarding **claim 1**, Lau teaches a system that facilitates networked system management, comprising:

a component that obtains aggregated system state data for at least one system component (fig. 2C; item 253; column 6, lines 58-67; column 7, lines 1-9; column 11, lines 15-47);

an analysis component that processes at least a portion of the aggregated system state data to determine at least one characteristic of at least one system state (column 11, lines 15-47); and

a user interface that provides state related information based upon the state characteristic to a user (fig. 4, item 40; column 13, lines 1-23); the user interface receives at least one user control parameter that facilitates improved utilization of the networked system (*see fig. 2B, items 101, and 250; fig. 3; column 1, lines 66-67; column 2, lines 1-11; column 12, lines 42-49; note the role of the GUI in the network interface as it is used to create the network entity manually, thereby improving user utilization; the user can then create objects that help mange the network*).

Although Lau discloses substantial features of the claimed invention, Lau does not distinctly teach " the at least one characteristic employed to automatically limit a user's utilization of at least one aspect of the networked system". Nonetheless this feature is well known and would have been an obvious modification to the system shown by Lau as evidenced by Britton.

In an analogous art, Britton shows a predictive, reactive and proactive networks system, that enables automatic monitoring of network devices. Britton teaches the capability to automatically set the process runtime limits, allowing an end user to control network variable setups and control network utilization (see Britton, column 5, lines 27-35).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Lau to employ the features shown by Britton in order to facilitate and support process quality and maintenance during control in a network, thereby informing the user of an existing network problem, and determine whether action is required... as stated by Britton (column 4, lines 34-44). By this rationale, claim 1 is rejected.

2. The system of claim 1, the state related information comprising a current state status relating to at least one of system usage states, system performance states, or system health states (Lau; column 18, lines 40-50; column 11, lines 55-67).

3. The system of claim 2, the current state status relating to an individual end-user of the networked system (Lau; column 6, lines 58-67; column 7, lines 1-9).

4. The system of claim 2, the current state status indicating top "X" asset utilization of a particular networked system asset, where X represents a desired number of top asset users (Lau; column 3, lines 10-29).

5. The system of claim 4, the desired number of top asset users comprising at least one of approximately 1, approximately 5, approximately 10, approximately 25, approximately 50, approximately 75, or approximately 100 (Lau; column 3, lines 10-29).

6. The system of claim 4, the particular networked system asset comprising at least one of memory usage, CPU utilization, hard disk space usage, random access memory (RAM) usage, and network communication bandwidth usage (Lau; column 18, lines 40-49; column 11, lines 16-47).

7. The system of claim 4, the top asset users comprising running processes (Lau; fig. 6 A-B; 7 A-B; column 10, lines 8-17).

8. The system of claim 4, the top asset users comprising end-users of the networked system (Lau; column 6, lines 58-67; column 7, lines 1-9).

9. The system of claim 8, the particular networked system asset comprising Internet usage (Lau; fig. 1; column 8, lines 27-45; column 10, lines 17-29).

10. The system of claim 1, the state related information comprising, at least in part, administrative guidance information corresponding to the networked system (Lau; column 11, lines 16-46).

11. The system of claim 1, the state related information comprising an historical state status relating to at least one of system usage states, system performance states, or system health states (Lau; column 18, lines 40-50; column 11, lines 55-67).

12. The system of claim 11, the historical state status relating to an individual end-user of the networked system.

13. The system of claim 1, the system component comprising a server.

14. The system of claim 1, the user interface comprising at least one of a system usage user interface, a system performance user interface, or a system health user interface (Lau; column 18, lines 40-50; column 11, lines 55-67).

15. The system of claim 1, the user interface comprising a customizable user interface (Lau; fig. 1, fig. 4 and item 401).

16. The system of claim 1, the user interface comprising an interactive user interface (Lau; fig. 1, fig. 4 and item 401).

17. The system of claim 16, the interactive user interface comprising a prior state reversion control user interface (Lau; fig. 1, fig. 4 and item 401).

18. The system of claim 16, the interactive user interface comprising a control user interface that controls a utilization aspect of the networked system (Lau; fig. 1, fig. 4 and item 401).

19. The system of claim 18, the control user interface comprising a system prioritization user interface that prioritizes usage of the utilization aspect of the networked system (Lau; fig. 1, fig. 4 and item 401).

20. The system of claim 18, the utilization aspect of the networked system comprising at least one of Internet bandwidth usage, CPU usage, hard disk space usage, e-mail usage, fax usage, or printing usage (Lau; column 3, lines 10-29).

21. A method for facilitating management of a networked system, comprising: acquiring aggregated system state data for at least one system component; analyzing at least a portion of the aggregated system state data to determine at least one characteristic of at least one system state (Lau; fig. 2C; item 253; column 6, lines 58-67; column 7, lines 1-9; column 11, lines 15-47; fig. 1 and fig. 4); the at least one characteristic employed to automatically limit a user's utilization of at least one aspect of the networked system

providing state related information based upon the state characteristic to a user (see Britton, column 5, lines 27-35);and

enabling a user to manipulate assets of the networked system to facilitate improved utilization of the networked system (Lau; see fig. 2B, items 101, and 250; fig. 3; column 1, lines 66-67; column 2, lines 1-11; column 12, lines 42-49; note the role of the GUI in the network interface as it is used to create the network entity manually, thereby improving user utilization; the user can then create objects that help mange the network).

22. The method of claim 21, further comprising: employing the state related information to optimally manage productivity of end-users of the networked system (Lau; fig. 4, item 40; column 13, lines 1-23).

23. The method of claim 21, further comprising: utilizing the state related information to provide control of a related characteristic of the networked system (Lau; column 6, lines 58-67; column 7, lines 1-9; column 11, lines 15-47).

24. The method of claim 23, the related characteristic of the networked system comprising at least one of state reporting management, process thread management, Internet use management, data storage management, memory use management, processing power use management, and load management (Lau; figs. 1, 2, and 4; column 8, lines 27-64).

25. The method of claim 23, the control comprising at least one of automatic control

and manual control (Lau; figs. 1, 2, and 4).

26. The method of claim 21, the user comprising a computing device (Lau; column 6, lines 58-67; column 7, lines 1-9; column 11, lines 15-47).

27. The method of claim 21, further comprising: utilizing state related error data and the aggregated system state data to provide system update information to the user (Lau; column 6, lines 58-67; column 7, lines 1-9; column 11, lines 15-47).

28. The method of claim 27, further comprising: providing control to the user to initiate system updates provided in the system update information (Lau; fig. 5B).

29. The method of claim 28, providing control including, at least in part, selecting, via user input, to automatically update at least one parameter of the networked system (Lau; figs. 1, and 4).

30. The method of claim 21, further comprising: utilizing state related error data and the aggregated system state data to reduce state monitoring information (Lau; column 20, lines 5-14).

31. The method of claim 30, the state related error data comprising at least one selected from the group consisting of software defects and hardware defects (Lau;

see abstract).

32. The method of claim 21, further comprising: receiving control parameters from a user to control state related parameters (Lau; column 6, lines 58-67; column 7, lines 1-9; column 11, lines 15-47).

33. The method of claim 21, further comprising: data mining the aggregated system state data to determine at least one of a diagnosis of at least one aspect of the networked system and a prognosis of at least one aspect of the networked system (Lau; column 6, lines 58-67; column 7, lines 1-9; column 11, lines 15-47).

34. The method of claim 21, further comprising: controlling, via a user interface, the networked system based, at least in part, upon the aggregated system state data (Lau; column 6, lines 58-67; column 7, lines 1-9; column 11, lines 15-47).

35. The method of claim 21, further comprising: providing system state related recommendations based, at least in part, upon the aggregated system state data (Lau; column 6, lines 58-67; column 7, lines 1-9; column 11, lines 15-47).

36. A system that facilitates networked system management, comprising:

means for obtaining aggregated system state data for at least one system component (see Lau; fig. 2C; item 253; column 6, lines 58-67; column 7, lines 1-9; column 11, lines 15-47);

means for processing at least a portion of the aggregated system state data to determine at least one characteristic of at least one system state (see Lau; column 6, lines 58-67; column 7, lines 1-9;)

the at least one characteristic employed to automatically limit a user's utilization of at least one aspect of the networked system (see Britton, column 5, lines 27-35) ;

providing state related information based upon the state characteristic to a user;

means for predicting a common mode failure of at least one piece of hardware common to one of more systems (see Britton; column 7, lines 52-62) and

means for providing state related information based upon the state characteristic to a user (Lau; column 6, lines 58-67; column 7, lines 1-9; column 11, lines 15-47); and

means for enabling a user to manipulate assets of the networked system to facilitate improved utilization of the networked system (Lau; *see fig. 2B, items 101, and 250; fig. 3; column 1, lines 66-67; column 2, lines 1-11; column 12, lines 42-49; note the role of the GUI in the network interface as it is used to create the network entity manually, thereby improving user utilization; the user can then create objects that help mange the network*).

38. A system employing at least one system of claim 1 that provides a unified information source of at least one of performance monitoring data for a plurality of networked systems, usage monitoring data for a plurality of networked systems, and health monitoring data for a plurality of networked systems (Lau; column 18, lines 40-50; column 11, lines 55-67).

39. A computer readable medium having stored thereon computer executable components of the system of claim 1 (Lau; fig. 1).

40. A device employing the method of claim 21 comprising at least one of a computer, a server, and a handheld electronic device (Lau; fig. 1).

41. A device employing the system of claim 1 comprising at least one of a computer, a server, and a handheld electronic device (Lau; fig. 1, items 102, 103 B, d, and F).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claim 37** is rejected under 35 U.S.C. 102(b) as being anticipated by Lau U.S Patent No. 6,101,500.

Regarding **claim 37**, Lau discloses:

37. A data packet transmitted between two or more computer components that facilitates networked system monitoring, the data packet comprising, at least in part, information relating to monitoring of a networked system, the information including, at least in part, state related data based, at least in part, upon aggregated state data corresponding to at least one system component of the networked system (Lau; column 6, lines 58-67; column 7, lines 1-9; column 11, lines 15-47).

Conclusion

6. This **Action is made Non-Final**. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-3201.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0800.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJ

January 09, 2008

NATHAN FLYNN
SUPERVISORY PATENT EXAMINER